

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LOREDANA RANZA,

3:10-CV-01285-AC

Plaintiff,

ORDER

v.

NIKE, INC., an Oregon
corporation, and NIKE
EUROPEAN OPERATIONS
NETHERLANDS, B.V., a foreign
corporation,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#130) on January 4, 2013, in which he recommended the Court grant Defendants' Motion (#14) to Dismiss and dismiss Plaintiff's claims. Defendants filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

I. Portions of the Findings and Recommendation to which Defendants do not object.

In his Findings and Recommendation the Magistrate Judge recommended the Court conclude, among other things, that it lacks personal jurisdiction as to Defendant Nike European Operations Netherlands (NEON) and that, in any event, Plaintiff cannot state a claim against Defendant Nike, Inc., or NEON under Title VII or the Age Discrimination in Employment Act (ADEA). Defendants do not object to this portion of the Findings and Recommendation.

The Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation as to these recommendations.

II. Portions of the Findings and Recommendation to which Defendants object.

The Magistrate Judge recommended in the alternative that the Court conclude even though Plaintiff timely exhausted her administrative remedies, Oregon is not the appropriate forum for resolution of Plaintiff's claims against NEON or Nike. Defendants object to the Magistrate Judge's recommendation that

the Court conclude in the alternative that Plaintiff exhausted her administrative remedies. Because the Court concludes it lacks personal jurisdiction as to NEON and that Plaintiff cannot under any set of facts state a claim against Nike for violation of Title VII or the ADEA, the Court does not address or adopt the Magistrate Judge's alternative recommendations based on exhaustion of administrative remedies or *forum non conveniens*. Accordingly, the Court need not consider Defendants' objections to those alternative recommendations.

Defendants' remaining Objection reiterates the arguments contained in their Motion to Dismiss, Reply, and stated at oral argument. This Court has carefully considered Defendants' Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS in part** Magistrate Judge Acosta's Findings and Recommendation (#130), concludes the Court lacks personal jurisdiction as to NEON, and concludes Plaintiff cannot state a claim against Defendants for violation of Title VII or the ADEA. Accordingly, the Court **GRANTS** Defendants' Motion (#14) to Dismiss and **DISMISSES** Plaintiff's claims **with prejudice**.

The Court declines to dismiss this matter in its entirety at this time because Magistrate Judge Acosta took Plaintiff's Motion (#69) for Leave to File an Amended Complaint under advisement on January 4, 2013, pending the ruling by this Court on Defendants' Motion to Dismiss.

IT IS SO ORDERED.

DATED this 27th day of February, 2013.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge